
SENATE BILL 5040

State of Washington

57th Legislature

2001 Regular Session

By Senators Honeyford, Hale, Hochstatter and Deccio

Read first time 01/08/2001. Referred to Committee on Environment,
Energy & Water.

1 AN ACT Relating to completion of water project construction work;
2 and amending RCW 90.03.320.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.03.320 and 1999 c 400 s 1 are each amended to read
5 as follows:

6 Actual construction work shall be commenced on any project for
7 which permit has been granted within such reasonable time as shall be
8 prescribed by the department, and shall thereafter be prosecuted with
9 diligence and completed within the time prescribed by the department.
10 The department, in fixing the time for the commencement of the work, or
11 for the completion thereof and the application of the water to the
12 beneficial use prescribed in the permit, shall take into consideration
13 the cost and magnitude of the project and the engineering and physical
14 features to be encountered, and shall allow such time as shall be
15 reasonable and just under the conditions then existing, having due
16 regard for the public welfare and public interests affected. For good
17 cause shown, the department shall extend the time or times fixed as
18 aforesaid, and shall grant such further period or periods as may be
19 reasonably necessary, having due regard to the good faith of the

1 applicant and the public interests affected. Good cause includes: (1)
2 Prevention or restriction of water use by operation of federal laws for
3 the time or times fixed for commencing work, completing work, and
4 applying water to beneficial use otherwise authorized under a water
5 right permit issued for a federal reclamation project; (2) water
6 projects directly affected by a state or federally imposed moratorium
7 on further withdrawals from a water source; and (3) moratoriums placed
8 on construction projects located on the Columbia river from 1991
9 through 2000. For conditions that meet the requirements of subsection
10 (2) or (3) of this section, the schedule shall extend for four years
11 from the date the moratorium was removed. In fixing construction
12 schedules and the time, or extension of time, for application of water
13 to beneficial use for municipal water supply purposes, the department
14 shall also take into consideration the term and amount of financing
15 required to complete the project, delays that may result from planned
16 and existing conservation and water use efficiency measures implemented
17 by the public water system, and the supply needs of the public water
18 system's service area, consistent with an approved comprehensive plan
19 under chapter 36.70A RCW, or in the absence of such a plan, a county-
20 approved comprehensive plan under chapter 36.70 RCW or a plan approved
21 under chapter 35.63 RCW, and related water demand projections prepared
22 by public water systems in accordance with state law. An existing
23 comprehensive plan under chapter 36.70A or 36.70 RCW, plan under
24 chapter 35.63 RCW, or demand projection may be used. If the terms of
25 the permit or extension thereof, are not complied with the department
26 shall give notice by registered mail that such permit will be canceled
27 unless the holders thereof shall show cause within sixty days why the
28 same should not be so canceled. If cause is not shown, the permit
29 shall be canceled.

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